

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

| | |
|--|---|
| 1. Agency/Subagency originating request | 2. OMB control number b. <input type="checkbox"/> None a. _____ - _____ |
| 3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____ |
| 7. Title | |
| 8. Agency form number(s) (<i>if applicable</i>) | |
| 9. Keywords | |
| 10. Abstract | |
| 11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government | 12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory |
| 13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ | 14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ |
| 15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit | 16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____ |
| 17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No | 18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____ |

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

| | |
|--|------|
| Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice) | |
| Signature | Date |
| Signature of NOAA Clearance Officer | |
| Signature | Date |

**SUPPORTING STATEMENT
AN OBSERVER PROGRAM FOR CATCHER VESSELS IN THE
PACIFIC COAST GROUND FISH FISHERY
OMB CONTROL NO. 0648-0423**

INTRODUCTION

NMFS manages the U.S. groundfish fisheries off the Washington-Oregon-California (WOC) coast under the Pacific Coast Groundfish FMP which is consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMP appear at 50 CFR part, 660 Subpart G. General regulations that also pertain to U.S. fisheries appear at Subpart H of 50 CFR 600. The Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) authorizes the Secretary to station observers aboard commercial fishing vessels to collect scientific data for the purposes of fishery conservation and management.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels that deliver to shore-based processors sort their catch at sea and discard species that are: in excess of cumulative trip limits, unmarketable, targeted in non-groundfish fisheries, or in excess of annual allocations. Landed or retained catch is monitored by the individual state-run fish ticket programs, however because a portion of the catch is discarded at sea there was no opportunity for NMFS or the States to monitor total catch (retained plus discarded catch) at the processing facilities. This lack of information on at-sea discards had resulted in very "soft" estimates of total catch and fishing mortality.

Discard information is needed to assess and account for total fishery mortality and to evaluate management measures including rebuilding plans for overfished stocks. Accurate estimates of discards from which total catch can be derived are an important component of any fishery management and analysis program. If the discard estimates are too high, then the industry is foregoing some short-term yield; if discard estimates are too low, then the long-term health of the stock may be jeopardized.

Observers are a uniformly-trained group of scientists who are stationed aboard vessels to gather fishery data that is used in management that is too burdensome for vessel personnel to collect and would otherwise not be available for managing the fisheries. Since the early 1990s the Council has viewed at-sea observers as a viable means to collect much needed discard data. At its April 1999 meeting, the Council proposed development of an on-board observer program, with the goal of having a program ready for implementation in 2000.

Regulations for this fishery went into effect in May 2001. The initial deployment of observers took place that August 2001. The establishment of these regulations give NMFS authority to place observers aboard vessels in accordance with a statistically-sound coverage plan; safeguard the observer's well-being; and establish sampling conditions necessary for an observer to follow sampling protocols and thereby maintain the integrity of observer data collections. The information collection under this rule includes:

1) Departure reports (no form) can be submitted to NMFS or its designated agent via a toll-free phone number to provide notice of expected departure dates and times. A call must be made at-least 24 hours prior to departure for fishing.

2) Cease-fishing reports (no form) can also be submitted to NMFS or its designated agent via a toll-free phone number (no form) to provide notice, not less than 24 hours after ceasing all groundfish fishing, for the purpose of leaving the fishery management area or to fish for species not managed under the groundfish management plan. This report would be made when a vessel in the observed portion of the fleet ceases to participate in the groundfish fishery, not when they cease a specific fishing trip.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

A departure report (no form) is necessary for NMFS or its designated agent to 1) identify which vessels need to carry observers and 2) to coordinate the placement of observers aboard vessels. The cease-fishing report is necessary to identify which vessels are in the pool of vessels being sampled. Knowing which vessels are no longer part of the sample pool will allow NMFS or its designated agent to adjust selection methods to meet the desired observer coverage levels while allowing observer effort to be used efficiently. It is necessary for a vessel owner, operator or representative to submit these reports because only they can make statements about their future intent.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Information from departure reports is used by NMFS to determine whether to place observers on selected vessels in order to obtain detailed information on fishing practices and the characteristics of the catch. These data are needed by NMFS to estimate total catch by species, collect data necessary to assess the status of stocks, to determine protected species interactions, and to evaluate economic conditions in the fishery. In addition to departure reports, cease-fishing reports are needed to define the population of vessels that are being sampled, and to adjust selection methods to meet the desired observer coverage levels so observer effort can be used efficiently.

The information collected is whether a vessel plans to start or end fishing in 24 hours. This information is used internally to manage the deployment of observers. The biological data collected by observers on the vessels is summarized. The specific vessel departure and cease-fishing information is not part of the summarized biological data released as the data is fleet-wide. As the information is not disseminated nor is it used to support information that is disseminated, the Information Quality Guidelines are not applicable.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Departure and cease-fishing notifications are easily made by telephone to NMFS or its designated agent.

4. Describe efforts to identify duplication.

The departure and ceasing-fishing reports are information submissions that are unique to the observer program and direct duplication with other collections does not exist.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All of the vessels affected by this collection are considered small businesses. To minimize the burden on small entities, only the minimum data necessary to effectively place observers within the fleet in a manner that is consistent with a statistically-sound coverage plan are being collected. In addition a toll-free number is available for use in order to reduce the burden on small entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

All information is required to effectively place observers within the fleet in a manner that is consistent with a statistically-sound coverage plan. Collecting this information less frequently is likely to impair the ability to place observers according to the coverage plan and this would significantly reduce the usefulness of data collected for conservation and management purposes.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances exist that require the information collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register notice (copy attached) was published to solicit public comment. One was received. (See below).

*Subject: 071803B
Date: Wed, 23 Jul 2003 11:56:34 -0700
From: "dave fraser" <dfraser@olympus.net>
To: <dhynek@doc.gov>, <jonathan.cusick@noaa.gov>*

In FR Doc 03-18732 filed 7-22-03, ID# 071803B, Vol. 68, No. 141, comments were requested on a 24 hour notice rule. However, the FR notice was vague about what circumstances would trigger the need to provide notice.

The fact that notice is provided by a toll free call is great, and it sounds innocuous. However, my concern is when on is fishing on a quick turnaround basis, as in the shoreside whiting fishery. Typically, we might leave port at 5AM 6/21, fish for part of the day and then return to port in the evening, offload during the night and leave for the next trip at 5AM 6/22.

Based on the limited information in the FR notice, it sounds as if we would be required to give our 24 hour notice for the 6/22 departure, prior to actually departing for our 6/21 day trip. However, 'stuff happens' and it is possible that we might not find our fish on the 6/21 and extend that trip into 6/22. As a result, the trip we hoped to make on 6/22 would be postponed to 6/23.

The FR doesn't make clear what the consequences are of failing to accurately project when the next trip might start.

*dave fraser
FV Muir Milach
PO Box 771
Port Townsend Wa. 98368*

Response to the comment: A groundfish trawl vessel is not required to phone 24 hours before commencing fishing until it is selected for coverage by the observer program. A vessel is notified for selection via a letter sent to the permit owner approximately two months previous to the selection period. Once selected and a vessel plans on landing groundfish, the vessel is required to notify NMFS 24 hrs before departing for the first trip. The program recognizes that vessels could turn around quickly, but once informed and an observer is deployed, notice of future plans can be relayed directly to the observer (a NMFS designated agent). Notification to the observer of future trips is sufficient under the current regulations.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gifts to respondents are provided under this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Because the information collected is from commercial operations, the Privacy Act does not apply. The information collected is confidential under section 402(b) of the Magnuson Act (16 U.S.C. 1801 et seq). All data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection of information does not include any sensitive information.

12. Provide an estimate in hours of the burden of the collection of information.

The information collection under this rule includes departure and cease-fishing reports which would be a toll-free phone call placed to NMFS, or its designated agent. The cost to the industry to provide this information increases as the number of vessels in the pool of potentially observed vessels increases. The maximum cost to the fleet to provide departure and cease-fishing reports would occur if the coverage strategy were to increase randomly-sampled trips in the entire open access and other ancillary fleets. The toll-free number has been maintained from the beginning of the program and will continue as a service for the fleet. The cost of the toll-free calls are absorbed by NMFS. However, the time of the phone call is absorbed by the vessel operator (respondent). The estimated cost of the time of the respondent is outlined below.

12.a. Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection.
See Table 1.

Table 1. Burden and time cost estimates to the respondents

| Record type | No. of responses per vessel per year (A) | Average number of minutes per record (B) | Hrs per vessel per yr (C) (A*B/60) | No. of Vessels (D) | Total No. of responses for fleet (E) (A*D) | Total hrs for fleet (F) (B*E/60) |
|---------------------------|---|---|--|-----------------------|--|--|
| Fishing departure reports | 3 | 10 min. | 0.5 hrs | 2,116 | 6,348 | 1,058 hrs |
| Cease fishing reports | 2 | 10 min. | 0.33 hrs | 2,116 | 4,232 | 705 hrs |
| TOTAL | --- | --- | --- | --- | 10,580 | 1,763 hrs |

12.b. Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories. See Table 2

Table 2. Burden and time cost estimates to the respondents

| Record type | No. of responses per vessel per year (A) | No. of Vessels (D) | Annual cost | |
|-----------------------------|--|--------------------|--------------------|-----------|
| | | | Vessel (\$27.47*C) | Fleet (G) |
| Fishing departure reports * | 3 | 2,116 | \$13.74 | \$29,073 |
| Cease-fishing reports * | 2 | 2,116 | \$9.15 | \$19,361 |
| TOTAL | --- | --- | \$22.89 | \$48,434 |

*Assumes vessel operator will submit the report – An estimated hourly salary of a vessel operator is \$27.47/hr based on the Department of Labor's 2001 National Occupational Employment and Wage Estimates (<http://www.bls.gov/oes/2001/oes451011.htm>)

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There is no start-up capital cost for complying with this requirement.

13.a. Total capital and start-up costs: None.

13.b. Total operations, maintenance, and purchases of services: Because departure and cease-fishing reports are available as toll free phone calls, no submission cost are expected.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Enforcement costs. Certain costs are incurred by NMFS to enforce the proposed reporting requirements. This burden is expected to remain within the current enforcement costs necessary to support the conservation and management role of NMFS.

Administrative costs. Costs are incurred directly by NMFS and through a federal contract to administer the reporting requirements. Additional personnel time to process the collection is approximately 2,000 hours per year and cost NMFS approximately \$40,000 (a GS-9 level position for 2,000 hours/ yr). A GS-7 Cost to NMFS to support a toll free phone line is approximately \$11,000 annually. The sum of the approximate annual costs to NMFS is \$51,000.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The changes in hours and costs are adjustments from re-estimations.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No plans exist for publishing the information collected.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No such approval is sought.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to the certification statement in this proposed collection of information.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

would be made at the same time as announcement of receipt of the application and request for comments required under § 660.745(b). If there are more qualified applicants than needed for a particular time and area, NMFS will choose among the qualified vessels, either randomly, in order of receipt of the completed application, or by other impartial selection methods. If the permit applicant is a state, university, or Federal entity other than NMFS, and NMFS approves the selection method, the permit applicant may choose among the qualified vessels, either randomly, in order of receipt of the vessel application, or by other impartial selection methods.

(4) *Terms and conditions.* The EFP will specify the amounts that may be taken as scientific samples and as compensation, the time period during which the compensation fishing must occur, management measures that NMFS will waive for a vessel fishing under the EFP, and other terms and conditions appropriate to the fishery and the collection of resource information. NMFS may require compensation fishing to occur on the same trip that the resource information is collected.

(5) *Accounting for the catch.* Samples taken under this EFP, as well as any compensation fish, count toward the current year's catch or landings.

[64 FR 49101, Sept. 10, 1999]

§ 660.360 Groundfish observer program.

(a) *General.* Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with this section.

(b) *Purpose.* The purpose of the Groundfish Observer Program is to allow observers to collect fisheries data deemed by the Northwest Regional Administrator, NMFS, to be necessary and appropriate for management, compliance monitoring, and research in the groundfish fisheries and for the conservation of living marine resources and their habitat.

(c) *Observer coverage requirements—(1) At-sea processors.* [Reserved]

(2) *Catcher vessels.* For the purposes of this section, catcher vessels include all vessels, using open access or limited entry gear (including exempted gear

types) that take and retain, possess or land groundfish at a processor(s) as defined at § 660.302. When NMFS notifies the vessel owner, operator, permit holder, or the vessel manager of any requirement to carry an observer, the vessel may not take and retain, possess, or land any groundfish without carrying an observer.

(i) *Notice of departure—Basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(A) *Optional notice—Weather delays.* A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (c)(2)(i) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(B) *Optional notice—Back-to-back fishing trips.* A vessel that intends to make back-to-back fishing trips (i.e., trips with less than 24 hours between off-loading from one trip and beginning another), may provide the basic notice described in paragraph (c)(2)(i) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(ii) *Cease fishing report.* Not more than 24 hours after ceasing the taking and retaining of groundfish with limited entry or open access gear in order to leave the fishery management area or to fish for species not managed under the Pacific Coast Groundfish Fishery Management Plan, the owner, operator, or vessel manager of each vessel that is required to carry an observer or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit must provide NMFS or its designated agent

with notification as specified by NMFS.

(3) *Vessels engaged in recreational fishing.* [Reserved]

(4) *Waiver.* The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(d) *Vessel responsibilities.* An operator of a vessel required to carry one or more observer(s) must provide:

(1) *Accommodations and food.* Provide accommodations and food that are:

(i) *At-sea processors.* [Reserved]

(ii) *Catcher vessels.* Equivalent to those provided to the crew.

(2) *Safe conditions.* Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(3) *Observer communications.* Facilitate observer communications by:

(i) *Observer use of equipment.* Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the United States or designated agent.

(ii) *Communication equipment requirements for at-sea processing vessels.* [Reserved]

(4) *Vessel position.* Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) *Access.* Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) *Prior notification.* Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the ob-

server specifically requests not to be notified.

(7) *Records.* Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) *Assistance.* Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(9) *At-sea transfers to or from processing vessels.* [Reserved]

(e) *Procurement of observers services by at-sea processing vessels.* [Reserved]

(f) *Certification of observers in the at-sea processing vessels.* [Reserved]

(g) *Certification of observer contractors for at-sea processing vessels.* [Reserved]

(h) *Suspension and decertification process for observers and observer contractors in the at-sea processing vessels.* [Reserved]

(i) *Release of observer data in the at-sea processing vessels.* [Reserved]

(j) *Sample station and operational requirements—(1) Observer sampling station.* This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) *Accessibility.* The observer sampling station must be available to the observer at all times.

(ii) *Location.* The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(iii) *Minimum work space aboard at-sea processing vessels.* [Reserved]

Fishery Conservation and Management

§ 660.402

(iv) *Table aboard at-sea processing vessels.* [Reserved]

(v) *Scale hanger aboard at-sea processing vessels.* [Reserved]

(vi) *Diverter board aboard at-sea processing vessels.* [Reserved]

(vii) *Other requirements for at-sea processing vessels.* [Reserved]

(2) *Requirements for bins used to make volumetric estimates on at-sea processing vessels.* [Reserved]

(3) *Operational requirements for at-sea processing vessels.* [Reserved]

[66 FR 20613, Apr. 24, 2001]

Subpart H—West Coast Salmon Fisheries

§ 660.401 Purpose and scope.

This subpart implements the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California developed by the Pacific Fishery Management Council. These regulations govern the management of West Coast salmon fisheries in the EEZ.

§ 660.402 Definitions.

In addition to the definitions in the Magnuson Act and in § 600.10 of this chapter, the terms used in this subpart have the following meanings:

Barbless hook means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Where barbless hooks are specified, hooks manufactured with barbs can be made barbless by forcing the point of the barb flat against the main part of the point.

Commercial fishing means fishing with troll fishing gear as defined annually under § 660.408, or fishing for the purpose of sale or barter of the catch.

Council means the Pacific Fishery Management Council.

Dressed, head-off length of salmon means the shortest distance between the midpoint of the clavicle arch (see Figure 3 of this subpart) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of

the head, gills, and entrails (see Figure 3 of this subpart).

Dressed, head-off salmon means salmon that have been beheaded, gilled, and gutted without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. The northeastern, northern, and northwestern boundaries of the fishery management area are as follows:

(1) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the United States and Canada (at 48°29'37" N. lat., 124°43'33" W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(2) Northern and northwestern boundary is a line¹ connecting the following coordinates:

| N. lat. | W. long. |
|--------------|---------------|
| 48°29'37.19" | 124°43'33.19" |
| 48°30'11" | 124°47'13" |
| 48°30'22" | 124°50'21" |
| 48°30'14" | 124°52'52" |
| 48°29'57" | 124°59'14" |
| 48°29'44" | 125°00'06" |
| 48°28'09" | 125°05'47" |
| 48°27'10" | 125°08'25" |
| 48°26'47" | 125°09'12" |
| 48°20'16" | 125°22'48" |
| 48°18'22" | 125°29'58" |
| 48°11'05" | 125°53'48" |
| 47°49'15" | 126°40'57" |
| 47°36'47" | 127°11'58" |
| 47°22'00" | 127°41'23" |
| 46°42'05" | 128°51'56" |
| 46°31'47" | 129°07'39" |

(3) The southern boundary of the fishery management area is the U.S.-Mexico International Boundary, which

¹The line joining these coordinates is the provisional international boundary of the U.S. EEZ as shown on NOAA/NOS Charts #18480 and #18002.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-4236 or (202) 482-0648, respectively.

SUPPLEMENTARY INFORMATION:

Background

In December 2002, the Department received a timely request from interested parties in accordance with section 751(a) of the Act and section 351.213(b) of the regulations, for an administrative review of the countervailing duty order on honey from Argentina, which has a December anniversary date. On January 22, 2003, the Department initiated this administrative review covering the period January 1, 2001, through December 31, 2001. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Review and Request for Revocation in Part*, 68 FR 3009 (January 22, 2003). Pursuant to a request from the Government of Argentina (GOA), and following the solicitation and analysis of comments from the interested parties, the Department extended the POR to cover calendar year 2002 in addition to 2001. *See Memorandum to the File: Honey from Argentina: Expansion of the Period of Review in the First Administrative Review of the Countervailing Duty Order* (dated February 21, 2003). The preliminary results of this review are currently due September 2, 2003.

Statutory Time Limits

Section 351.213(h)(1) of the regulations requires the Department to issue the preliminary results of review within 245 days after the last day of the anniversary month of the order or suspension agreement for which the administrative review was requested, and final results of the review within 120 days after the date on which notice of the preliminary results is published in the **Federal Register**. However, if the Department determines that it is not practicable to complete the review within the aforementioned specified time limits, section 351.213(h)(2) allows the Department to extend the 245-day-period to 365 days and to extend the 120-day period to 180 days. If the Department does not extend the time for issuing preliminary results, the Department may extend the time for issuing final results from 120 to 300 days.

Extension of Time Limits for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the

regulations, the Department has determined that it is not practicable to complete the preliminary results in this administrative review by September 2, 2003. The Department is awaiting the response to a supplemental questionnaire requesting additional information from the GOA. Moreover, the Department must analyze two years' worth of data and intends to verify the GOA questionnaire responses. Therefore, the Department is extending the deadline for completion of the preliminary results of the administrative review of the countervailing duty order on honey from Argentina by 97 days. The preliminary results of the review will be issued not later than December 8, 2003.

This notice is published pursuant to section 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: July 16, 2003.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 03-18746 Filed 7-22-03; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

Notice of an Energy Trade Mission to Nigeria, Gabon, and Sao Tome and Principe

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade mission: Oil and Gas Business Development Mission to Nigeria, Gabon, and Sao Tome and Principe. Date: November 15-22, 2003. The Deputy Assistant Secretary for Energy, Environment, and Materials, Kevin Murphy, will lead an energy trade mission to Nigeria, Gabon, and Sao Tome and Principe. Focusing on equipment, services, exploration, and production aspects of the energy sector, the mission will include representatives from 8-12 U.S. firms interested in gaining access to these West African energy markets. For a more complete description, obtain a copy of the mission statement from the Project Officer indicated below.

DATES: The trade will take place from November 15-22, 2003. Applications may be submitted immediately. All application must be received by September 15, 2003. Applications received after the date will be considered only if space and scheduling constraints permit. Recruitment and

selection or private sector participants for the trade will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions dated March 3, 1997.

ADDRESSES: Applications must be submitted to Mr. Aaron Brickman, Office of Energy, U.S. Department of Commerce, Room H4056, Washington, DC 20230; Telephone: 202-482-1889; Facsimile: 202-482-0170; E-mail: aaron_brickman@ita.doc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Brickman, U.S. Department of Commerce; Telephone: 202-482-1889; Facsimile: 202-482-0170; or E-mail: aaron_brickman@ita.doc.gov.

Dated: July 8, 2003.

Helen Burroughs,

Director, Office of Energy.

[FR Doc. 03-18708 Filed 7-22-03; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071803B]

Proposed Information Collection; Comment Request; An Observer Program for Catcher Vessels in the Pacific Coast Groundfish Fishery

AGENCY: AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 22, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be

directed to Jonathan Cusick, 206-860-3477, or at Jonathan.Cusick@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Catcher vessels participating in the Pacific Coast Groundfish Fishery and who are selected by NOAA must provide NOAA with notification at least 24 hours before departure for a fishing trip and with notification when the vessel ceases to participate in the observed portion of the fleet. The information will be used to plan for fishery observer assignments.

II. Method of Collection

Reports are made by phone to a toll-free number.

III. Data

OMB Number: 0648-0423.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,116.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 1,763.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 16, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-18732 Filed 7-22-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Office of Coast Survey; Notice of Solicitation for Hydrographic Services Review Panel

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of solicitation for Hydrographic Services Review Panel.

SUMMARY: This notice responds to the Hydrographic Services Improvement Act Amendments of 2002, Public Law 107-372, which requires the Under Secretary of Commerce for Oceans and Atmosphere to solicit nominations for membership on the Hydrographic Services Review Panel. This advisory committee will advise the Under Secretary on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998 and its amendments, and such other appropriate matters the Under Secretary refers to the Panel for review and advise.

DATES: Résumés should be sent to the address, e-mail or FAX specified and must be received by September 29, 2003.

ADDRESSES: Director, Office of Coast Survey, National Ocean Service, NOAA (N/CS), 1315 East West Highway, Silver Spring, MD, 20910, FAX: 301-713-4019, e-mail: Hydroservices.panel@noaa.gov.

FOR FURTHER INFORMATION CONTACT:

Gretchen Imahori, Office of Coast Survey, NOS/NOAA, 301-713-2770, Extension 140, FAX: 301-713-4019, Gretchen.Imahori@noaa.gov.

SUPPLEMENTARY INFORMATION: Under 33 U.S.C. 883a *et seq.* NOS is responsible for providing nautical charts and related information for safe navigation and other purposes. In fulfilling this responsibility, NOS collects and compiles hydrographic, tidal and current, geodetic and a variety of other data and information. The Hydrographic Services Panel shall advise on topics such as the Office of Coast Survey (OCS) National Survey Plan, technologies relating to operations, research and development, and dissemination of data pertaining to:

- (a) Hydrographic surveying and data;
- (b) Nautical charting;
- (c) Water level measurements;
- (d) Current measurements;
- (e) Geodetic measurements; and

(f) Geospatial measurements.

The Panel shall consist of 15 voting members appointed by the Under Secretary in accordance with the provisions and prohibitions of Section 105 of the Act. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. The Director of the Joint Hydrographic Institute and no more than two employees of the National Oceanic and Atmospheric Administration shall serve as nonvoting members of the Panel.

The voting members of the Panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic surveying, tides, currents, geodetic and geospatial measurements, marine transportation, port administration, vessel pilotage, and coastal and fishery management. The membership shall be fairly balanced in terms of points of view represented and the functions to be performed by the Panel. An individual may not be appointed as a voting member of the Panel if the individual is a full-time officer or employee of the United States. Any voting member of the Panel who is an applicant for, or beneficiary of (as determined by the Administrator), any assistance under the Act shall disclose to the Panel that relationship, and may not vote on any matter pertaining to that assistance. The term of office of a voting member of the Panel shall be 4 years, except that of the original appointees, five shall be appointed for a term of 2 years, five shall be appointed for a term of 3 years, and five shall be appointed for a term of 4 years, as specified by the Administrator at the time of appointment. The members will serve at the discretion of the Administrator and will be subject to ethical standards applicable to special government employees. Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

The Panel shall select one voting member to serve as the Chair and another voting member to serve as the Vice Chair. The Vice Chair shall act as Chair in the absence or incapacity of the Chair.

Meetings will occur on a biannual basis and, at any other time, at the call of the Chair or upon the request of a majority of the voting members or of the Administrator.

Voting members of the Panel shall receive compensation at a rate